

KIMURA

The particulars with regard to him are on p. 328 of the Summary.

He was decorated for his services in both the Manchuria and China "incidents", but apart from the fact (Exh. 2282) that the 32nd Division which he commanded was serving in China, and that he was Chief of Staff of the Kwantung Army, October 1939 - October 1940, and member of a number of Japanese Manchurian joint committees, we have no knowledge of what he did.

On 10 April 1941 he became Vice War Minister. You have heard evidence to the effect that there were limitations upon the importance of this office. Nevertheless it placed him in a position not only to know but to take an active part in, and to assume responsibility for the events of his period of office. It may be judged best from Exh 1272, which shows the reasons why he was recommended for the German decoration of the Great Cross in May 1942. The German Military Attache says: "He was in Germany 1922-4. In his position of Chief of Staff of the Kwantung Army October 1939 to October 1940 (which is omitted from his personnel record, but is mentioned in Exh. 102 though without a date) he has especially worked on behalf of Germany. Vice Minister of War since 10 April 1941, he is one of the principal advocates of German-Japanese military cooperation." The Ambassador adds his own comment: "Kimura has closely co-operated with Minister of War and Prime Minister Tojo already on the Kwantung Army. His personal relationship to Tojo as well as his (i. e. Tojo's), primary preoccupation in his position of Prime Minister have enhanced his (i.e. Kimura's) influence in the leadership of the War Ministry, as well as his position in regard to the other Vice-Ministers to a marked degree." We submit that these remarks are obvious common sense, and that having regard to the predominant position of the army at this period even the Vice-Minister has a greater share of responsibility than the Minister of some other Departments. At all events that he has enough. During his

period of office he was also a Councillor of numerous other official bodies, including the Planning Board and the total war Research Institute. The activities of the latter at this time are shown in Exhibits 870A and 871 from August to October 1941, which shows clearly that the lack of clarity in Japan's communications to the U.S. was intentional, because the object of them was not peace but delay while war preparations were completed. Exhs 686A, 688A and 1336 also come from them, and the two latter sketch the "Co-Prosperity Sphere", and plans to annex the Soviet Maritime Provinces. When we come to the questions of POW offences we have much more direct evidence of Kimura's activities. It was he who communicated to the Foreign Minister of January 23, 1942, the undertaking which was transmitted to the allied governments to observe the Geneva Convention *mutatis mutandis* and to give due consideration in regard to food and clothing to the racial habits and customs of interned prisoners (Exh. 1958). Yet he retained his office until March 1943 while this undertaking was daily and flagrantly disregarded. He had access to all the information and attended Imperial General Headquarters and the meetings of Bureau Chiefs where these matters were discussed and decided. He must share responsibility for the decision of April or May 1942 to make POWs work regardless of rank and to send them for exhibition to places in Japan, Korea (R. 14288), for Tojo's speeches about "no work no food" (Exhs. 1960 and 1962), for the failure to answer and the untruthful answers sent to allied protests which he had to approve (R. 14287). As a member of I.G.H. he must, we submit, have access to the War Diary and seen the account of outrages past and intended in Malaya quoted in Exh. 476.

Above all he must have been a party to the illegal decision to use POW labour on the rushed construction of the Burma-Siam railway, with its inevitable tragic consequences.

He also shares the responsibility for Exhibits 1964-1976. He personally issued the order for the death penalty on captured airmen, Exh.1992. He was responsible for the POW punishment law,

Exh. 1998. He personally ordered the illegal employment of 1500 POW on munition work in Manchuria in August 1942 (Exh. 1970).

From 30 August 1944 to the surrender he was commander of the army in Burma. The outrages which took place there during that period are described in Exhs. 1573A, 1574A, 1552A, 1553A, 1555A, 1558A. For these we submit he is directly responsible, and that the motion by him should be dismissed.